

## Hingtgen, Robert J

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**From:** Fogg, Mindy  
**Sent:** Thursday, April 24, 2014 9:04 AM  
**To:** 'Donna Tisdale'  
**Cc:** Real, Sami; Gungle, Ashley  
**Subject:** RE: corrected Soitec Rugged Solar & Rough Acres Water Co

Hi Donna,

I just wanted to let you know that we are still reviewing this issue and may not have a complete response by this week. If not, I will touch base with you again on Monday with where we are at on this.

--Mindy

**From:** Donna Tisdale [<mailto:tisdale.donna@gmail.com>]  
**Sent:** Monday, April 21, 2014 10:20 AM  
**To:** Fogg, Mindy  
**Subject:** Re: corrected Soitec Rugged Solar & Rough Acres Water Co

Thank you, Mindy

On Mon, Apr 21, 2014 at 10:01 AM, Fogg, Mindy <[Mindy.Fogg@sdcounty.ca.gov](mailto:Mindy.Fogg@sdcounty.ca.gov)> wrote:

Hi Donna,

Thank you for pointing this out to us – I had not seen this issue before. I will coordinate with Jim Bennett to determine how this provision would affect the Rugged Solar project and will follow up with you this week on the status.

**Mindy Fogg** | Planning Manager | Project Planning

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**From:** Donna Tisdale [<mailto:tisdale.donna@gmail.com>]  
**Sent:** Friday, April 18, 2014 11:09 PM  
**To:** Hingtgen, Robert J; Fogg, Mindy; Gungle, Ashley; Bennett, Jim; Wardlaw, Mark; Jacob, Dianne; Wilson, Adam  
**Subject:** corrected Soitec Rugged Solar & Rough Acres Water Co

I am resending my previous message with the correction highlighted in the first sentence

Hello Robert,

For the record, Soitec's Rugged Solar project **does not** appear to comply with the County's Groundwater Ordinance, as amended in 2013, particularly, the section from Page 2 that has been pasted below and highlighted:

- **Water Service Agency:** Any city, mutual or municipal water district, or any other private or public agency which provides water at retail from either: (1) groundwater resources, to two or more users; or (2) imported water resources. Such water service agency must be in existence prior to the date of submittal of any project relying on service from that agency

Non-compliance is based on the following:

1. Soitec's Rugged Solar MUP application was filed with the County on or before May 5, 2012, based on the Project Description document revised on May 10, 2012.
2. Rough Acres Water Company, Inc's Articles of Incorporation were not filed with the Office of the Secretary of the State of California until a month later on June 4, 2012
3. The Grant Deed (Doc# 2012-0526783) transferring the rights, titles, and interest of all water system improvements and facilities (...), from Rough Acres Foundation to Rough Acres Water Company, Inc, was not recorded until almost four months later on August 31, 2012

According to Peter Neubauer, DEH, whose department regulates Rough Acres Water Company, Inc, it is a privately owned public water system--not a mutual water company

However, the Grant Deed for the infrastructure transfer misrepresents it as a "California mutual water company" . This may explain the incorrect understanding repeatedly stated by the Pine Valley Mutual Water Company and others.

This is one of many questionable and controversial issues related to Rough Acres Ranch and Soitec's Rugged Solar.

Please confirm receipt of this information.

Regards,

Donna Tisdale

619-766-4170

bcc: interested parties

**Attachments:**

1. Groundwater Ordinance Amended 2013
2. Certified copy of Rough Acres Water Company's Articles of Incorporation
3. Rough Acres Water Company's grant deed transferring water system infrastructure

